

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BUREAU OF INSURANCE

IN RE: REVIEW OF AGGREGATE)
MEASURABLE COST SAVINGS)
DETERMINED BY DIRIGO HEALTH)
FOR THE THIRD ASSESSMENT)
YEAR)
Docket No. INS-07-900)

FILING COVER SHEET

TO: Superintendent, Bureau of Insurance
Attn: Vanessa J. Leon
#34 State House Station
Augusta, Maine 04333-0034

DATE FILED: September 7, 2007

PARTY: Maine Association of Health Plans

DOCUMENT: Objection to Order Regarding the Record

DOCUMENT TYPE: Objection

CONFIDENTIALITY: None.

/s/ George M. Linge

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STATE OF MAINE
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BUREAU OF INSURANCE

IN RE: REVIEW OF AGGREGATE)	
MEASURABLE COST SAVINGS)	OBJECTION TO ORDER
DETERMINED BY DIRIGO)	REGARDING THE
HEALTH FOR THE THIRD)	RECORD BY THE
ASSESSMENT YEAR)	MAINE ASSOCIATION OF
)	HEALTH PLANS
Docket No. INS-07-900)	

In an order dated August 30, 2007, the Superintendent issued an Order Regarding the Record (“Order”), denying a motion by the Maine Association of Health Plans (“MEAHP”) to (1) include in the record the prefiled testimony of three witnesses (John Sheils, Roland Mercier, and Steve Michaud) who testified in Year 2 and whose prefiled testimony was admitted in Year 2; and (2) exclude the prefiled testimony of one witness (Kenneth Thorpe) who did not testify in Year 2 and whose prefiled testimony was not admitted in Year 2. MEAHP files this objection simply to note three issues for the record.

1. Prior to the Board’s Year 3 hearing, DHA submitted prefiled testimony of Steven Schramm. Exhibit 2 to Schramm’s prefiled testimony was a list of 54 documents, including document number 7 entitled “Year 2 Board Hearing Prefiled Testimony.” The list was printed from the Maine.gov website and contained links to electronic versions of the 54 documents. Nearly all of the links, including the link to document number 7, were to the dirigohealth.com website. DHA never provided MEAHP with hard copies of the 54 documents listed in Exhibit 2 to Schramm’s prefiled testimony.

MEAHP has learned that document number 7, *i.e.*, the “Year 2 Board Hearing Prefiled Testimony,” as maintained on dirigohealth.com, was (and remains) incomplete and inaccurate – it did not include the Year 2 prefiled testimony of Sheils, Mercier, and Michaud, but it did include the Year 2 prefiled testimony of Thorpe. The problem is that Thorpe did not testify at the Board’s Year 2 hearing and so his prefiled testimony was never admitted. Sheils, Mericer, and Michaud, on the other hand, all testified before the Board in Year 2 and so their prefiled testimony was admitted. The complete record for the Board’s Year 2 hearing, then, includes the prefiled testimony of Sheils, Mercier, and Michaud but does not include the prefiled testimony of Thorpe. To the extent that “Year 2 Board Hearing Prefiled Testimony” was admitted in the Board’s Year 3 hearing by reference to a website, it should accurately reflect all of the prefiled testimony that was admitted by the Board in Year 2.

2. The Order states that “[p]rior to hearing, DHA identified the Thorpe prefiled testimony in the agency’s Witness, Expert, and Document Disclosure filing.” Order, p. 2. As a factual matter, Thorpe is not identified anywhere in DHA’s Year 3 filing. As noted above, DHA only referenced a website containing “Year 2 Board Hearing Prefiled Testimony.”

3. During the August 21, 2007 conference call with counsel for the Superintendent and all parties, DHA’s counsel stated that hard copies of the 54 documents listed in Exhibit 2 to Schramm’s prefiled testimony (including document number 7 entitled “Year 2 Board Hearing Prefiled Testimony”) had been provided to MEAHP and the other intervenors. As a factual matter, MEAHP never received hard copies of the 54 documents listed in Exhibit 2 to Schramm’s prefiled testimony.

For all of the reasons set forth above, MEAHP for the record objects to the Order.

Dated: September 7, 2007

Respectfully submitted,

/s/ George M. Linge

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CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2007, a copy of the above filing was served as follows:

1. The original and two (2) hard copies via U.S. Mail addressed to:

Eric A. Cioppa, Acting Superintendent
Attn: Vanessa J. Leon, Docket No. INS-07-900
Bureau of Insurance
Maine Department of Professional and Financial Regulation
#34 State House Station
Augusta, Maine 04333-0034

2. One (1) hard copy via U.S. Mail addressed to the Superintendent's legal counsel:

Thomas C. Sturtevant, Jr.
Assistant Attorney General
Office of the Attorney General
#6 State House Station
Augusta, Maine 04333-0006

3. One (1) hard copy via U.S. Mail addressed to the Superintendent's consultant:

Compass Health Analytics, Inc.
Attn: John Kelly
477 Congress Street, 7th Floor
Portland, Maine 04101

4. One (1) identical electronic copy addressed to the following pursuant to the August 7, 2007 Order on Intervention and Procedures, as amended August 16, 2007, and the parties' Designation for Service List filed in this matter:

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